

9-5-00

A

59

09/01/00
JC675 U.S. PTO

Certificate of Mailing	
Date of Deposit <u>September 1, 2000</u>	Label Number: <u>EL509050555US</u>
<p>I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231.</p>	
<u>Luis A. Cruz</u> Printed name of person mailing correspondence	 Signature of person mailing correspondence

JC905 U.S. PTO
09/654323
09/01/00

UTILITY PATENT APPLICATION TRANSMITTAL UNDER 37 CFR §1.53(b)	
Attorney Docket Number	50110/004002
Applicant	Michael R. Hayden, Angela R. Brooks-Wilson, Simon N. Pimstone, and Susanne M. Clee
Title	COMPOSITIONS AND METHODS FOR MODULATING HDL CHOLESTEROL AND TRIGLYCERIDE LEVELS
PRIORITY INFORMATION: This application is a continuation-in-part of and claims priority from United States patent application 60/124,702, filed March 15, 1999; 60/138,048, filed June 8, 1999; 60/139,600, filed June 17, 1999, 60/151,977, filed September 1, 1999; 09/526,193, filed March 15, 2000; and 60/213,958 filed June 23, 2000.	
APPLICATION ELEMENTS:	
Cover sheet	1 page
Specification	105 pages
Claims	19 pages
Abstract	1 page
Drawing	86 sheets
Combined Declaration and POA, which is: <input checked="" type="checkbox"/> Unsigned; <input type="checkbox"/> Newly signed for this application; <input type="checkbox"/> A copy from prior application [**SERIAL NUMBER**] and the entire disclosure of the prior application is considered as being part of the disclosure of this new application and is hereby incorporated by reference therein.	3 pages
Statement Deleting Inventors	0 pages
Sequence Statement	2 pages
Sequence Listing on Paper	108 pages
Sequence Listing on Diskette	1 disk

Small Entity Statement, which is: <input checked="" type="checkbox"/> Unsigned; <input type="checkbox"/> Newly signed for this application; <input type="checkbox"/> A copy from prior application [**SERIAL NUMBER**] and such small entity status is still proper and desired.	2 pages
Preliminary Amendment	0 pages
IDS	0 pages
Form PTO 1449	0 pages
Cited References	0 references
Recordation Form Cover Sheet and Assignment	0 pages
Assignee's Statement	0 pages
English Translation	0 pages
Certified Copy of Priority Document	0 pages
Return Receipt Postcard	1
FILING FEES:	
Basic Filing Fee: \$345	\$345.00
Excess Claims Fee: 99 - 20 x \$9	\$711.00
Excess Independent Claims Fee: 45 - 3 = 42 x \$39	\$1638.00
Multiple Dependent Claims Fee: \$260/\$130	\$0
Total Fees:	\$2694.00
<input checked="" type="checkbox"/> Enclosed is a check for \$2694.00 to cover the total fees. <input type="checkbox"/> Charge [**AMOUNT**] to Deposit Account No. 03-2095 to cover the total fees. <input type="checkbox"/> The filing fee is not being paid at this time. <input checked="" type="checkbox"/> Please apply any other charges, or any credits, to Deposit Account No. 03-2095.	
CORRESPONDENCE ADDRESS:	
Paul T. Clark Reg. No. 30,162 Clark & Elbing LLP 176 Federal Street Boston, MA 02110	
Telephone: 617-428-0200 Facsimile: 617-428-7045	
<div style="display: flex; justify-content: space-between;"> <div> <i>Susan M. Michael</i> Signature <i>Susan M. Michael Reg. No. 42,885</i> </div> <div> <i>September 1, 2000</i> Date </div> </div>	

Applicant or Patentee : Michael R. Hayden et al.
Serial or Patent No. : Not yet assigned
Filed or Issued : September 1, 2000
Title : COMPOSITIONS AND METHODS FOR MODULATING HDL CHOLESTEROL AND TRIGLYCERIDE LEVELS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The University of British Columbia
Address of Organization: 2329 West Mall, Vancouver, British Columbia, V6T 1Z4 Canada
Type of Organization:

- ☒ University or Other Institution of Higher Education
☐ Tax Exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ Nonprofit Scientific or Educational under Statute of State of the United States of America
Name of State:
Citation of Statute:
☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) If Located in the United States of America
☐ Would Qualify as Nonprofit Scientific or Educational under Statute of State of the United States of America If Located in the United States of America
Name of State:
Citation of Statute:

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled COMPOSITIONS AND METHODS FOR MODULATING HDL CHOLESTEROL AND TRIGLYCERIDE LEVELS by inventors Michael R. Hayden, Angela R. Wilson, Simon N. Pimstone, and Susanne M. Clee described in

- ☒ the specification filed herewith.
☐ application serial No., [**SERIAL NUMBER**], filed [**FILING DATE**].
☐ patent no. [**PATENT NUMBER**], issued [**ISSUE DATE**].

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: Xenon Genetics, Inc.
Address: Suite #100, 2386 East Mall, Vancouver, British Columbia, CANADA V6T 1Z3
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Angus Livingstone

Title: Managing Director

Address: The University of British Columbia, 2329 West Mall, Vancouver, B.C. CANADA V6T 1Z4

Signature: _____ **Date:** _____

Applicant or Patentee : Michael R. Hayden et al.
Serial or Patent No. : Not yet assigned
Filed or Issued : September 1, 2000
Title : COMPOSITIONS AND METHODS FOR MODULATING HDL CHOLESTEROL AND TRIGLYCERIDE LEVELS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
 (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Xenon Genetics, Inc.

Address of Small Business Concern: 2386 East Mall, Suite 100, Vancouver, B.C. V6T 1Z3 Canada

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled COMPOSITIONS AND METHODS FOR MODULATING HDL CHOLESTEROL AND TRIGLYCERIDE LEVELS by inventors Michael R. Hayden, Angela R. Wilson, Simon N. Pimstone, and Susanne M. Clee described in

☒ the specification filed herewith.
☐ application serial no. [**SERIAL NUMBER**], filed [**FILING DATE**].
☐ patent no. [**PATENT NUMBER**], issued [**ISSUE DATE**].

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Assignee Name: The University of British Columbia

Assignee Address: 2329 West Mall, Vancouver, British Columbia, V6T 1Z4 CANADA

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name: Frank Holler

Title: Chief Executive Officer

Address: Xenon Genetics, Inc., 2386 East Mall, Suite 100, Vancouver, BC V6T 1Z3

Signature: _____ **Date:** _____